

Serial No. 10/687,411
Response Dated 1/13/06

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REMARKS

In the Office Action of October 19, 2005, claims 1-26 were rejected under 35 U.S.C. 112, second paragraph, and claims 27 and 28 were indicated by the Examiner to be allowable. The rejection of claims 1-26 is respectfully traversed. As the basis for the Examiner's rejection of claims 1-26 under 35 U.S.C. 112, second paragraph, the Examiner held that the phrase "phenolic precursor" was indefinite based on a dictionary definition of the word "precursor". The Applicants consider the phrase "phenolic precursor" to be synonymous with the terms "phenolic compound" and "aromatic hydroxy compound". As used in the instant application, the "phenolic precursor" is any phenolic compound or aromatic hydroxy compound which serves as a precursor to a diaryl carbonate. Support for the view that "phenolic precursor" has the same meaning as "phenolic compound" can be found in the very first sentence of the application:

This invention relates to a method for making diaryl carbonate using a water resistant catalyst to effect the direct carbonylation of a phenolic compound (the "phenolic precursor") to a diaryl carbonate.

"Phenolic compounds" are understood by those skilled in the art to be aromatic hydroxy compounds. Thus, the term "phenolic precursor" has the same meaning as the term "aromatic hydroxy compound". Paragraph 16 of the application makes very clear the interchangeability intended for the terms "phenolic precursor" and "aromatic hydroxy compound":

Aromatic hydroxy compounds which may be used as phenolic precursors in the practice of the present invention include aromatic mono- or polyhydroxy compounds, such as phenol, p-cresol, o-cresol, m-cresol, xylcnol, resorcinol, hydroquinone, bisphenol A, 4-fluorophenol, methyl salicylate, and mixtures thereof. Aromatic organic monohydroxy compounds are preferred, with phenol being more preferred. The examples of aromatic hydroxy compounds provided above are for illustrative purposes and are in no way intended to limit the scope of the applicability of the method of the present invention.

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Thus, nearly any aromatic hydroxy compound may be employed according to the method of the present invention.

Notwithstanding foregoing discussion and the Applicants' conviction that the term "phenolic precursor" is in no way indefinite, claims 1 and 26 have been amended to recite "aromatic hydroxy compound" instead of the term "phenolic precursor". It is stressed that this change is being made only to render the subject matter of the claim with greater clarity, and is not being made in order to render the subject matter of the claim patentable. The Applicants urge that originally filed claims 1 and 26 recite patentable subject matter and amended claims 1 and 26 merely present the identical subject matter with greater clarity.

In view of the foregoing the Applicants request that the rejection of claims 1-26 under 35 U.S.C. 112, second paragraph be withdrawn, and courteously request reconsideration and allowance of claims 1-28.

If further questions arise the Examiner is requested to contact the Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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